

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF PHILIPPE
MARTINEZ et al.,

Applicants,

For an Order Pursuant to 28 U.S.C. § 1782 to
Conduct Discovery for Use in Foreign Proceedings.

24-mc-306 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Philippe Martinez and MSR Media SKN Ltd. (“Applicants”) have filed an *ex parte* application for an order authorizing them to obtain discovery pursuant to 28 U.S.C. § 1782 from Standard Chartered Bank, New York Branch and The Bank of New York Mellon (“Respondents”), for use in proceedings in the High Court of Justice in the Federation of Saint Christopher and Nevis. Objections of Caribbean Galaxy Real Estate Corporation, Galaxy Group, and Ying Jin (the “Caribbean Galaxy Parties”) to Magistrate Judge Netburn’s report and recommendation are pending before this Court.


No later than July 2, 2025, Applicants shall file a letter or supplemental brief setting forth their position as to whether and/or why: (1) in view of the fact that materials in this action have been filed publicly on the docket, there is any basis for this matter to proceed *ex parte* or whether they consent to serving Respondents; (2) Applicants have provided a “non-speculative basis” to believe that Caribbean Galaxy Parties have transacted with Respondents and hold responsive records, *see In re Saul Klein*, No. 23-mc-211 (PAE), 2023 WL 8827847, at *14 (S.D.N.Y. Dec. 21, 2023); (3) they consent to or oppose Judge Netburn’s recommendation to narrow the requested subpoenas; (4) Respondents are or “are not in a position to determine which parties or transactions are related to the CBI program” and the proposed modifications will “necessarily

result in the production of evidence unrelated to” the foreign proceedings, Objs. 19, ECF No. 43; (5) they could or could not obtain the same materials in the foreign proceedings; (6) in light of the dismissal of the Florida RICO action without prejudice, the materials are sought in part for pre-litigation discovery, *see In re Associação dos Profissionais dos Correios*, No. 22-MC-132 (RA), 2024 WL 4299019, at *6 (S.D.N.Y. Sept. 25, 2024); and (7) they would consent to a protective order in this action.

If no party objects, Applicants shall serve Respondents with the application, supporting materials, the report and recommendation, this order, their response to this order, and related filings no later than July 7, 2025. Caribbean Galaxy Parties and Intervenor may file a response by July 11, 2025. Should they choose to do so, Respondents may file a letter or brief no later than July 16, 2025. Applicants may submit a reply to Caribbean Galaxy Parties’, Intervenor’s, and/or Respondents’ filings by July 21, 2025. Oral argument will be held on July 23, 2025 at 1:00 p.m. at the Thurgood Marshall United States Courthouse, Courtroom 1506, 40 Foley Square, New York, NY, 10007.

SO ORDERED.

Dated: June 26, 2025
New York, New York



Ronnie Abrams
United States District Judge